

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:10-CV-36-FL

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
\$45,935.00 IN U. S. CURRENCY,)	
)	
Defendant.)	

On March 18, 2010 the Court entered an Order granting the Plaintiff's Motion to Compel Discovery Responses. The claimant was given until April 6, 2011 to respond to the plaintiff's discovery requests, which consisted of both interrogatories and requests for production of documents. No responses were received.

Rule 37(a) of the Federal Rules of Civil Procedure provides that a party may apply for an order compelling discovery. As a sanction for failure to comply with discovery order, Rule 37(b)(2)(A)(iii) & (vi) provide that the court may dismiss the action or proceeding or render judgment by default against the disobedient party. In addition, Rule 37(b)(2)(A)(vii) provides that the court may treat the failure to obey a discovery order as contempt of court.

As the claimant has failed to respond to discovery as required by the Court's Order or provide any reason for such failure to respond, in accordance with the above stated rule, it is hereby

ORDERED that both the claim and answer filed by the claimant on August 25, 2010 are stricken as a sanction for his failure to obey the Court's Order.

Further examination of the Court files and records shows that the defendant currency was served while in the custody of the United States Marshal on July 22, 2010 (Doc. #4).

Notice of publication was available on the www.forfeiture.gov Web site between July 21, 2010 and August 19, 2010 (Doc. #10).

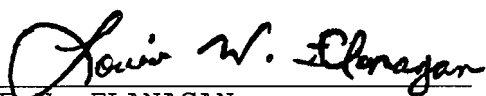
Examination of the Court files and records shows that service of plaintiff's Complaint and the Warrant of Arrest In Rem was made on James Kirshner, counsel for potential claimant, Ziad Abdeldayem, via certified mail return-receipt on approximately July 30, 2010 (Doc. #11).

More than 35 days have elapsed since the date on which the in rem defendant and potential claimant was served with the Warrant of Arrest and a copy of the Complaint, excluding the date thereof.

No other person has filed a verified claim in this action or answered or plead as required by Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims and, if the Court strikes the claimant's Response, there will be no responsive pleading. Accordingly, the Clerk of Court is hereby

DIRECTED to enter default against the defendant property, whereupon default judgment may be entered.

SO ORDERED this 2nd day of June, 2011.


LOUISE W. FLANAGAN
Chief United States District Judge